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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,095	01/26/2001	David Konetski	16356.578 (DC-02701)	7695
27683	7590	03/25/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			DALENCOURT, YVES	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,095

Applicant(s)

KONETSKI ET AL.

Examiner

Yves Dalencourt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-24 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to Request for Continued Examination (RCE) filed on 02/04/2005.

Response to Amendment

The examiner has acknowledged the amended claims 1 and 15. The rejection of claims 1 and 15 under 35 U.S.C. 112 first paragraph has been withdrawn.

Response to Arguments

Applicant's arguments with respect to claims 1 – 10, 12 – 24, and 26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 – 10, 12 – 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi et al (US 6,769,127; hereinafter Bonomi) in view of Lai et al (US 20040193648; hereinafter Lai).

Regarding claims 1, 12, and 14, Bonomi teaches a system (fig. 1A) comprising a computer system including a processor and a memory (100, fig. 1A; col. 6, lines 52 – 57; col. 7, lines 10 - 26) for retrieving digital media content (col. 9, lines 35 - 38); temporarily storing the digital media content in the memory for various lengths of time (col. 7, lines 44 – 62; col. 9, lines 5 – 35 and 38 – 40; Bonomi discloses that to efficiently use the media storage 220, the recording space 230 is storing such programs for a limited time); buffering the digital media content (col. 9, lines 15 – 18 and 50 – 57; Bonomi discloses that the cache area 222 provides a mechanism to buffer the received live video broadcasts); and providing the digital media content as needed via a user interface to a thin media client using a first network (162 and 164; fig. 1B; paragraph bridging col. 9, line 57 through col. 10, line 3 and figs. 15A-15F; col. 32, lines 55 - 67).

Bonomi teaches substantially all the limitations, but fails to specifically teach performing processing functions on the digital media content which vary according to a type of digital media content, the functions being able to be performed during and after the digital media content is downloaded.

However, Lai teaches, in the same field of endeavor, a distributed on-demand media transcoding system and method, which performs processing functions on the digital media content which vary according to a type of digital media content, the functions being able to be performed during and after the digital media content is downloaded (fig. 5A; paragraphs [0141], [0158 - 0159], and [0188 - 0191]; Lai discloses the downloading may be fully performed prior to viewing or it may be progressive. That is a portion of the transcode media content may be downloaded and then viewed, while a second portion of the media content is being downloaded).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bonomi by performing processing functions on the digital media content which vary according to a type of digital media content, the functions being able to be performed during and after the digital media content is downloaded as evidenced by Lai for the purpose permitting content providers to deliver media content to users with media players incapable of accommodating the source type of the original media content, thereby, obviating the need for a user to download a newer media player or upgrade an existing media player in order to access a desired media content.

Regarding claims 2 and 3, Bonomi and Lai teach all the limitations, and Bonomi further teaches a system, wherein the thin media client comprises an audio client; and wherein the digital media content comprises an audio file (col. 7, lines 33 - 62).

Regarding claim 4, Bonomi and Lai teach all the limitations, and Bonomi further teaches a system, wherein the digital media content comprises realtime audio information (col. 8, lines 35 - 54).

Regarding claims 5 and 6, Bonomi and Lai teach all the limitations, and Bonomi further teaches a system, wherein the thin media client comprises a video client, and wherein the digital media content comprises video information; and wherein the thin media client comprises an image client, and wherein the digital media content comprises image information (fig. 1B; col. 1, lines 30 – 36; col. 5, lines 32 – 40; col. 7, lines 33 – 50).

Regarding claim 7, Bonomi and Lai teach all the limitations, and Bonomi further teaches a system, wherein the computer system is for transcoding the digital media content prior to providing the digital media content to the thin media client (305, fig. 3A; col. 6, lines 45 – 57; col. 11, lines 26 - 50).

Regarding claim 8, Bonomi and Lai teach all the limitations, and Bonomi further teaches a system, wherein the computer system is for performing a rights management task associated with the digital media content prior to providing the digital media content to the thin media client (col. 15, lines 19 - 54).

Regarding claim 9, Bonomi and Lai teach all the limitations, and Bonomi further teaches a system, wherein the computer system is for performing a decompression function on the digital media content prior to providing the digital media content to the thin media client (paragraph bridging col. 12, line 59 through col. 13, line 14).

Regarding claim 10, Bonomi and Lai teach all the limitations, and Bonomi further teaches a system, wherein the computer system is for performing a decryption function on the digital media content prior to providing the digital media content to the thin media client (col. 14, lines 53 – 62; paragraph bridging col. 14, line 63 through col. 15, line 7).

Regarding claim 13, Bonomi and Lai teach all the limitations, and Bonomi further teaches a system, wherein the computer system is for retrieving the digital media content using a second network (col. 7, lines 10 – 32; Bonomi discloses that the network 108 can be part of a larger network including the Internet, the public switch telephone network (PSTN) or a private telephone network and so on).

Regarding claims 15 and 26, Bonomi teaches a method (fig. 1A) comprising a computer system including a processor and a memory (100, fig. 1A; col. 6, lines 52 – 57; col. 7, lines 10 - 26) for retrieving digital media content (col. 9, lines 35 - 38); temporarily storing the digital media content in the memory for various lengths of time (col. 7, lines 44 – 62; col. 9, lines 5 – 35 and 38 – 40; Bonomi discloses that to efficiently use the media storage 220, the recording space 230 is storing such programs for a limited time); buffering the digital media content (col. 9, lines 15 – 18 and 50 – 57; Bonomi discloses that the cache area 222 provides a mechanism to buffer the received live video broadcasts); and providing the digital media content as needed via a user interface to a thin media client using a first network (162 and 164; fig.1B; paragraph bridging col. 9, line 57 through col. 10, line 3 and figs. 15A-15F; col. 32, lines 55 - 67).

Bonomi teaches substantially all the limitations, but fails to specifically teach performing processing functions on the digital media content which vary according to a

type of digital media content, the functions being able to be performed during and after the digital media content is downloaded.

However, Lai teaches, in the same field of endeavor, a distributed on-demand media transcoding system and method, which performs processing functions on the digital media content which vary according to a type of digital media content, the functions being able to be performed during and after the digital media content is downloaded (fig. 5A; paragraphs [0141], [0158 - 0159], and [0188 - 0191]; Lai discloses the downloading may be fully performed prior to viewing or it may be progressive. That is a portion of the transcode media content may be downloaded and then viewed, while a second portion of the media content is being downloaded).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bonomi by performing processing functions on the digital media content which vary according to a type of digital media content, the functions being able to be performed during and after the digital media content is downloaded as evidenced by Lai for the purpose permitting content providers to deliver media content to users with media players incapable of accommodating the source type of the original media content, thereby, obviating the need for a user to download a newer media player or upgrade an existing media player in order to access a desired media content.

Regarding claims 16 and 17, Bonomi and Lai teach all the limitations, and Bonomi further teaches a method, wherein the thin media client comprises an audio

client; and wherein the digital media content comprises an audio file (col. 7, lines 33 - 62).

Regarding claim 18, Bonomi and Lai teach all the limitations, and Bonomi further teaches a method, wherein the digital media content comprises realtime audio information (col. 8, lines 35 - 54).

Regarding claims 19 and 20, Bonomi and Lai teach all the limitations, and Bonomi further teaches a method, wherein the thin media client comprises a video client, and wherein the digital media content comprises video information; and wherein the thin media client comprises an image client, and wherein the digital media content comprises image information (fig. 1B; col. 1, lines 30 – 36; col. 5, lines 32 – 40; col. 7, lines 33 – 50).

Regarding claim 21, Bonomi and Lai teach all the limitations, and Bonomi further teaches a method, which further comprises the step of transcoding the digital media content prior to providing the digital media content to the thin media client (305, fig. 3A; col. 6, lines 45 – 57; col. 11, lines 26 - 50).

Regarding claim 22, Bonomi and Lai teach all the limitations, and Bonomi further teaches a method, which further comprises the step of performing a rights management task associated with the digital media content prior to providing the digital media content to the thin media client (col. 15, lines 19 - 54).

Regarding claim 23, Bonomi and Lai teach all the limitations, and Bonomi further teaches a method, which further comprises the step of performing a decompression

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function on the digital media content prior to providing the digital media content to the thin media client (paragraph bridging col. 12, line 59 through col. 13, line 14).

Regarding claim 24, Bonomi and Lai teach all the limitations, and Bonomi further teaches a method, which further comprises the step of performing a decryption function on the digital media content prior to providing the digital media content to the thin media client (col. 14, lines 53 – 62; paragraph bridging col. 14, line 63 through col. 15, line 7).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sherr et al (US 20020032905) discloses an online digital video signal transfer apparatus and method.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt



March 18, 2005